

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

DEFENDANT’S ASSENTED-TO MOTION TO FILE UNDER SEAL
DEFENDANT’S OPPOSITIONS TO SFFA’S MOTION TO COMPEL PRODUCTION OF
REVIEWER COMMENTS AND MOTION TO COMPEL PRODUCTION OF
APPLICANT ZIP CODES AND SUPPORTING MATERIALS

Pursuant to Local Rule 7.2 and the Stipulated Protective Order (Dkt. 55), Defendant President and Fellows of Harvard College (“Harvard”) hereby moves this Court for an order sealing in their entirety (1) Harvard’s Opposition to Plaintiff’s Motion to Compel Production of Reviewer Comments, the Declaration of Felicia H. Ellsworth in Support of Harvard’s Opposition to Plaintiff’s Motion to Compel Production of Reviewer Comments (“Ellsworth Declaration”), and exhibits to the Ellsworth Declaration; and (2) Harvard’s Opposition to Plaintiff’s Motion to Compel Production of Applicant Zip Codes. These documents include information designated as Confidential or Highly Confidential – Attorneys’ Eyes Only pursuant to the Stipulated Protective Order (Dkt. 55), including information relating to Harvard’s admissions process and information disclosing the identities of the individuals on whose behalf Students for Fair Admissions, Inc. (“SFFA”) asserts standing. Harvard’s Oppositions will be filed in response to SFFA’s Motions to

Compel, which were filed under seal (Dkt. 223). Pursuant to Local Rule 7.1(a)(2), SFFA was made aware of this motion and assents to it.

Harvard requests that the documents subject to this Motion be impounded until further order of the Court. In the event the Court has not previously ordered otherwise, Harvard's submission should be returned to its undersigned counsel upon resolution of this matter.

WHEREFORE, Harvard respectfully requests that the Court grant this motion and allow (1) Harvard's Opposition to Plaintiff's Motion to Compel Production of Reviewer Comments, the Ellsworth Declaration, and exhibits to the Ellsworth Declaration, (2) and Opposition to Plaintiff's Motion to Compel Production of Applicant Zip Codes, to be filed under seal and to be viewed only by the Judge, her clerk(s), and Court personnel.

Respectfully submitted,

/s/ Felicia H. Ellsworth

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Dated: December 19, 2016

*Counsel for Defendant President and
Fellows of Harvard College*

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a)(2), I hereby certify that Students for Fair Admissions' counsel was made aware of this motion before it was filed and assents to Harvard's request to file its Opposition to Plaintiff's Motion to Compel Production of Reviewer Comments, Ellsworth Declaration, and exhibits to the Ellsworth Declaration, and Opposition to Plaintiff's Motion to Compel Production of Applicant Zip Codes under seal.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all counsel of record via the CM/ECF system.

/s/ Felicia H. Ellsworth
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